

## THE HONORABLE BENJAMIN H. SETTLE

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

KYLIE STEELE,

**Plaintiffs,**

V.

**NATIONAL RAILROAD PASSENGER CORPORATION, a/k/a AMTRAK, a District of Columbia corporation; and, DOES ONE THROUGH FIFTY,**

## Defendants.

Case No. 3:19-cv-05553-BHS

**PLAINTIFF'S RESPONSE TO  
DEFENDANT'S MOTION FOR STAY  
OF EXECUTION**

Ms. Steele does not object to the posting of a bond pending appeal of this matter, though she is aware of no legal justification for appeal and is unpersuaded by the distorted view of the evidence outlined in Amtrak's post-trial briefing.

Given such an unsupported basis for appeal, and the inordinate delay an appeal will engender, Ms. Steele believes that a bond of 1.5 to 2 times the judgment amount is more appropriate than the bond of 1.25 times suggested by Amtrak. *See, e.g., American Ass'n of Naturopathic Physicians v. Hayhurst*, 227 F.3d 1104, 1109 (9<sup>th</sup> Cir. 2004) (holding no error in applying a multiple of 2.5x to a judgment, though admittedly substantially smaller than this

PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR NEW  
TRIAL , JUDGMENT AS A MATTER OF LAW, OR IN THE  
ALTERNATIVE REMITTITUR - Page 1  
Case No.: 3:19-cv-05553-BHS

**ROSSI VUCINOVICH P.C.**  
1000 Second Avenue, Suite 1420  
Seattle, Washington 98104  
(425) 646-8003/ Fax (425) 646-8004

1 one). Thus, Ms. Steele requests that the Court order a bond to be posted in the amount of  
2 \$12,031,250, representing 1.75 times the judgment amount prior to imposition of costs, during  
3 such time as an appeal proceeds in this matter.

4

5 Dated January 3, 2022

**ROSSI VUCINOVICH PC**

6

By: /s James K. Vucinovich

James K. Vucinovich, WSBA #29199  
C. N. Coby Cohen, WSBA #30034  
**ATTORNEYS FOR PLAINTIFF**

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR NEW  
TRIAL , JUDGMENT AS A MATTER OF LAW, OR IN THE  
ALTERNATIVE REMITTITUR - Page 2  
Case No.: 3:19-cv-05553-BHS

**ROSSI VUCINOVICH P.C.**  
1000 Second Avenue, Suite 1420  
Seattle, Washington 98104  
(425) 646-8003/ Fax (425) 646-8004